

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85971050
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
<p>I. LIKELIHOOD OF CONFUSION REFUSAL</p> <p>The Examining Attorney has refused the Application, finding that the proposed mark, FULL-ON (the "Mark") is confusingly similar to a previous registered mark. First, Applicant respectfully notes that it has amended its application as follows: "Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics" in Class 25. Thus, in light of Applicant's revised goods/services, which specifies that all of the referenced apparel products are athletic apparel, and also expressly excludes cosmetics, and the arguments submitted herein, Applicant's Mark is not likely to be confused with the Cited Registration:</p> <ul style="list-style-type: none">U.S. Reg. No. 4505979 for the mark FULL-ON, owned by Bare Escentuals, for use in connection with "cosmetics" in Class 3. <p>Applicant asserts that the mark FULL-ON and the Cited Mark are not likely to be confused as such the likelihood of confusion refusal should be withdrawn, thereby allowing the Application to proceed to publication in Class 25.</p> <p>A. THE MARK FULL-ON AND THE CITED MARK ARE USED IN CONNECTION WITH DISSIMILAR SERVICES SUCH THAT THERE IS NO LIKELIHOOD OF CONFUSION.</p> <p>In an <i>ex parte</i> appeal, the issue of likelihood of confusion typically revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services. See TMEP §1207.01; <i>In re E.I. du Pont de Nemours & Co.</i>, 476 F.2d 1357 (C.C.P.A. 1973). The issue is not whether the actual goods are likely to be confused, but, rather, whether there is a likelihood of confusion as to the <i>source</i> of the goods. <i>Id.</i> See also, <i>In re Shell Oil Co.</i>, 992 F.2d 1204 (Fed. Cir. 1993).</p> <p>The goods/services intended to be offered by the Applicant and the goods/services allegedly offered by the owner of the Cited Mark are vastly different such that a likelihood of confusion will not occur. Applicant respectfully notes that the nature of the goods/services offered by the parties relates to separate and distinct fields, such that even the classification of goods/services occupies different unrelated classes. Specifically, Applicant offers an active wear apparel line for use in connection with yoga and sports. See True and correct copy of Lululemon Full-on Luon, available at <http://shop.lululemon.com/products/category/meet-full-on-luon-fabric?pagesize=All>, attached hereto as</p>	

Exhibit A. In contrast, the Cited Mark is used in association with cosmetics, specifically lipstick. Unlike Applicant's Mark, which is used in connection with apparel manufactured for a specific purpose, the Cited Mark is used in connection with a variety of lipstick shades ranging from dark to light, and appears to simply be evocative of the term "full-lips." See True and correct copy of Bare Escentuals Full-on Lip Polish, available at < http://www.bareescentuals.com/Buxom-Big-Healthy-Lip-Polish---Bunny/USMasterBuxom,en_US,pd.html >, attached hereto as Exhibit B.

Additionally, Applicant's goods/services and the goods/services associated with the Cited Mark are directed toward separate groups of consumers. Specifically, consumers of Cited goods/services are seeking out a lipstick, which is very rarely if ever associated with athletics, whereas consumers of Applicant's goods/services are interested in purchasing active wear that maximizes stretch and agility in order to enhance athletic performance. Given the distinct nature of the goods at issue and the intended uses of such goods, there is little chance that consumers would confuse the goods offered under the marks at issue.

B. THE TERMS "FULL ON" ARE COMMONLY USED AND REGISTERED AND SHOULD BE GRANTED A NARROW SCOPE OF PROTECTION

The combined term "FULL ON" and terms similar thereto have common use and co-exist on the Register. The Trademark Trial and Appeal Board and the courts have recognized that weak designations may be entitled to a narrower scope of protection than an entirely arbitrary or coined word. TMEP § 1207.01(b)(ix); see also, *In re Central Soya Company, Inc.*, 220 USPQ 914 (TTAB 1984). The co-existence of several marks containing "FULL ON" or close variations thereof, for similar or identical goods on the Register indicate that the combined term "FULL ON" and similar variations thereof is a weak designation entitled to narrow protection. Applicant has set forth an illustrative list of registered marks co-existing on the Register, which in whole or in part contain the term "FULL ON" or similar variations thereof.

- FULL ON (Reg. No. 4205425) for use in connection with "educational services, namely, conducting workshops and seminars in the field of business, motivation, self-help and personal empowerment and distribution of course material in connection therewith; life coaching services in the field of motivation, self-help and personal empowerment; on-line journals, namely, blogs featuring information in the field of business, motivation, self-help and personal empowerment; personal coaching services in the field of motivation, self-help and personal empowerment; motivation, self-help and personal empowerment; professional coaching services in the field of motivation, self-help and personal empowerment; providing online newsletters in the field of business, motivation, self-help and personal empowerment via e-mail" in Class 41.
- FULL ON (Reg. No. 2912001) for use in connection with "sports drinks, energy drinks, soft drinks" in Class 32.
- FOJ FULL ON JACKLEG (Reg. No. 3474285) for use in connection with "long sleeve t-shirts, short sleeve t-shirts, caps, sweatshirts, pants, and shorts" in Class 25.
- LIFE ON FULL (Reg. No. 4376944) for use in connection with "promoting the sale of goods and services of others in the automotive industry by dissemination of promotional materials and product information through an online global computer network, through the distribution of printed material, audio and video recordings, television and radio advertising, online advertising, Internet web sites, and promotional contests" in Class 35.
- DR. BOS FULL BODY FULL ON (Reg. No. 3856069) for use in connection with "weight reduction diet planning and supervision; providing information about dietary supplements and nutrition; nutrition counseling in the fields of food combining and choices; counseling services in the field of lifestyle wellness planning; providing cold laser therapy for aiding weight loss; providing colon hydrotherapy for medical purposes; medical testing for blood type; alternative medical services, namely, detoxification and colon cleansing services; alternative medical services, namely, digital pulsewave analyzing for medical diagnostic or treatment purposes; consulting services in the field of physical health and wellness" in Class 44.

True and correct copies of these registrations, as found on the official U.S. Patent and Trademark Office

website are attached hereto as Exhibit C. Due to the co-existence of several other registrations incorporating or comprised primarily of the combined term “FULL ON” or similar variations thereof on the Register, the Cited Mark should be afforded a narrow scope of protection. As such, Applicant respectfully requests that the likelihood of confusion refusal be withdrawn and that the Application be allowed to proceed to publication.

II. CONCLUSION

In light of the above, no likelihood of confusion exists between Applicant’s FULL-ON mark, and the mark identified in the Cited Registration. Therefore, Applicant respectfully requests that the Examining Attorney withdraw his likelihood of confusion refusal and allow the Application to proceed to publication in Class 25.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_20620511710-20150519193227319083_.A.pdf
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ORIGINAL PDF FILE	evi_20620511710-20150519193227319083_.B.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\710\85971050\xml10\RFR0005.JPG
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DESCRIPTION OF EVIDENCE FILE	exhibits in support of Response to Office Action, including web site screenshots and USPTO records.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
Clothing, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; <u>Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics</u>	
FINAL DESCRIPTION	
Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/David M. Kramer/
SIGNATORY'S NAME	David M. Kramer
SIGNATORY'S POSITION	Attorney of record, District of Columbia bar member

SIGNATORY'S PHONE NUMBER	202-799-4153
DATE SIGNED	05/19/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue May 19 19:51:31 EDT 2015
TEAS STAMP	USPTO/RFR-206.205.117.10-20150519195131945089-85971050-5303b8c34cda44142596b2431a6972513c6a8528147ee8d24b3498ab3b8c709e51-N/A-N/A-20150519193227319083

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85971050** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

I. LIKELIHOOD OF CONFUSION REFUSAL

The Examining Attorney has refused the Application, finding that the proposed mark, FULL-ON (the "Mark") is confusingly similar to a previous registered mark. First, Applicant respectfully notes that it has amended its application as follows: "Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics" in Class 25. Thus, in light of Applicant's revised goods/services, which specifies that all of the referenced apparel products are athletic apparel, and also expressly excludes cosmetics, and the arguments submitted herein, Applicant's Mark is not likely to be confused with the Cited Registration:

- U.S. Reg. No. 4505979 for the mark FULL-ON, owned by Bare Escentuals, for use in connection with "cosmetics" in Class 3.

Applicant asserts that the mark FULL-ON and the Cited Mark are not likely to be confused as such the likelihood of confusion refusal should be withdrawn, thereby allowing the Application to proceed to publication

in Class 25.

A. THE MARK FULL-ON AND THE CITED MARK ARE USED IN CONNECTION WITH DISSIMILAR SERVICES SUCH THAT THERE IS NO LIKELIHOOD OF CONFUSION.

In an *ex parte* appeal, the issue of likelihood of confusion typically revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services. See TMEP §1207.01; *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973). The issue is not whether the actual goods are likely to be confused, but, rather, whether there is a likelihood of confusion as to the *source* of the goods. *Id.* See also, *In re Shell Oil Co.*, 992 F.2d 1204 (Fed. Cir. 1993).

The goods/services intended to be offered by the Applicant and the goods/services allegedly offered by the owner of the Cited Mark are vastly different such that a likelihood of confusion will not occur. Applicant respectfully notes that the nature of the goods/services offered by the parties relates to separate and distinct fields, such that even the classification of goods/services occupies different unrelated classes. Specifically, Applicant offers an active wear apparel line for use in connection with yoga and sports. See True and correct copy of Lululemon Full-on Luon, available at <<http://shop.lululemon.com/products/category/meet-full-on-luon-fabric?pagesize=All>>, attached hereto as Exhibit A. In contrast, the Cited Mark is used in association with cosmetics, specifically lipstick. Unlike Applicant's Mark, which is used in connection with apparel manufactured for a specific purpose, the Cited Mark is used in connection with a variety of lipstick shades ranging from dark to light, and appears to simply be evocative of the term "full-lips." See True and correct copy of Bare Escentuals Full-on Lip Polish, available at < http://www.bareescentuals.com/Buxom-Big-Healthy-Lip-Polish---Bunny/USMasterBuxom,en_US,pd.html >, attached hereto as Exhibit B.

Additionally, Applicant's goods/services and the goods/services associated with the Cited Mark are directed toward separate groups of consumers. Specifically, consumers of Cited goods/services are seeking out a lipstick, which is very rarely if ever associated with athletics, whereas consumers of Applicant's goods/services are interested in purchasing active wear that maximizes stretch and agility in order to enhance athletic performance. Given the distinct nature of the goods at issue and the intended uses of such goods, there is little chance that consumers would confuse the goods offered under the marks at issue.

B. THE TERMS "FULL ON" ARE COMMONLY USED AND REGISTERED AND SHOULD BE GRANTED A NARROW SCOPE OF PROTECTION

The combined term "FULL ON" and terms similar thereto have common use and co-exist on the Register. The Trademark Trial and Appeal Board and the courts have recognized that weak designations may be entitled to a narrower scope of protection than an entirely arbitrary or coined word. TMEP § 1207.01(b)(ix); see also, *In re Central Soya Company, Inc.*, 220 USPQ 914 (TTAB 1984). The co-existence of several marks containing "FULL ON" or close variations thereof, for similar or identical goods on the Register indicate that the combined term "FULL ON" and similar variations thereof is a weak designation entitled to narrow protection. Applicant has set forth an illustrative list of registered marks co-existing on the Register, which in whole or in part contain the term "FULL ON" or similar variations thereof.

- FULL ON (Reg. No. 4205425) for use in connection with "educational services, namely, conducting workshops and seminars in the field of business, motivation, self-help and personal empowerment and distribution of course material in connection therewith; life coaching services in the field of motivation, self-help and personal empowerment; on-line journals, namely, blogs featuring information in the field of business, motivation, self-help and personal empowerment; personal coaching services in the field of motivation, self-help and personal empowerment motivation, self-help and personal empowerment; professional coaching services in the field of motivation, self-help and personal empowerment; providing online newsletters in the field of business, motivation, self-help and personal empowerment via e-mail" in Class 41.
- FULL ON (Reg. No. 2912001) for use in connection with "sports drinks, energy drinks, soft drinks" in Class 32.
- FOJ FULL ON JACKLEG (Reg. No 3474285) for use in connection with "long sleeve t-shirts, short

sleeve t-shirts, caps, sweatshirts, pants, and shorts” in Class 25.

- LIFE ON FULL (Reg. No. 4376944) for use in connection with “promoting the sale of goods and services of others in the automotive industry by dissemination of promotional materials and product information through an online global computer network, through the distribution of printed material, audio and video recordings, television and radio advertising, online advertising, Internet web sites, and promotional contests” in Class 35.

- DR. BOS FULL BODY FULL ON (Reg. No. 3856069) for use in connection with “weight reduction diet planning and supervision; providing information about dietary supplements and nutrition; nutrition counseling in the fields of food combining and choices; counseling services in the field of lifestyle wellness planning; providing cold laser therapy for aiding weight loss; providing colon hydrotherapy for medical purposes; medical testing for blood type; alternative medical services, namely, detoxification and colon cleansing services; alternative medical services, namely, digital pulsewave analyzing for medical diagnostic or treatment purposes; consulting services in the field of physical health and wellness” in Class 44.

True and correct copies of these registrations, as found on the official U.S. Patent and Trademark Office website are attached hereto as Exhibit C. Due to the co-existence of several other registrations incorporating or comprised primarily of the combined term “FULL ON” or similar variations thereof on the Register, the Cited Mark should be afforded a narrow scope of protection. As such, Applicant respectfully requests that the likelihood of confusion refusal be withdrawn and that the Application be allowed to proceed to publication.

II. CONCLUSION

In light of the above, no likelihood of confusion exists between Applicant’s FULL-ON mark, and the mark identified in the Cited Registration. Therefore, Applicant respectfully requests that the Examining Attorney withdraw his likelihood of confusion refusal and allow the Application to proceed to publication in Class 25.

EVIDENCE

Evidence in the nature of exhibits in support of Response to Office Action, including web site screenshots and USPTO records. has been attached.

Original PDF file:

[evi_20620511710-20150519193227319083_.A.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_20620511710-20150519193227319083_.B.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_20620511710-20150519193227319083_.C.pdf](#)

Converted PDF file(s) (14 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)
[Evidence-8](#)
[Evidence-9](#)
[Evidence-10](#)
[Evidence-11](#)
[Evidence-12](#)
[Evidence-13](#)
[Evidence-14](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 025 for Clothing, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Clothing, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children;~~ Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics

Class 025 for Athletic apparel, namely, t-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, hats, crop pants, tights, leg warmers, leggings, leotards, bodysuits, headbands, pajamas and shoulder wraps, all for men, women and children; all of the foregoing expressly excluding cosmetics

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /David M. Kramer/ Date: 05/19/2015

Signatory's Name: David M. Kramer

Signatory's Position: Attorney of record, District of Columbia bar member

Signatory's Phone Number: 202-799-4153

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power

of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85971050

Internet Transmission Date: Tue May 19 19:51:31 EDT 2015

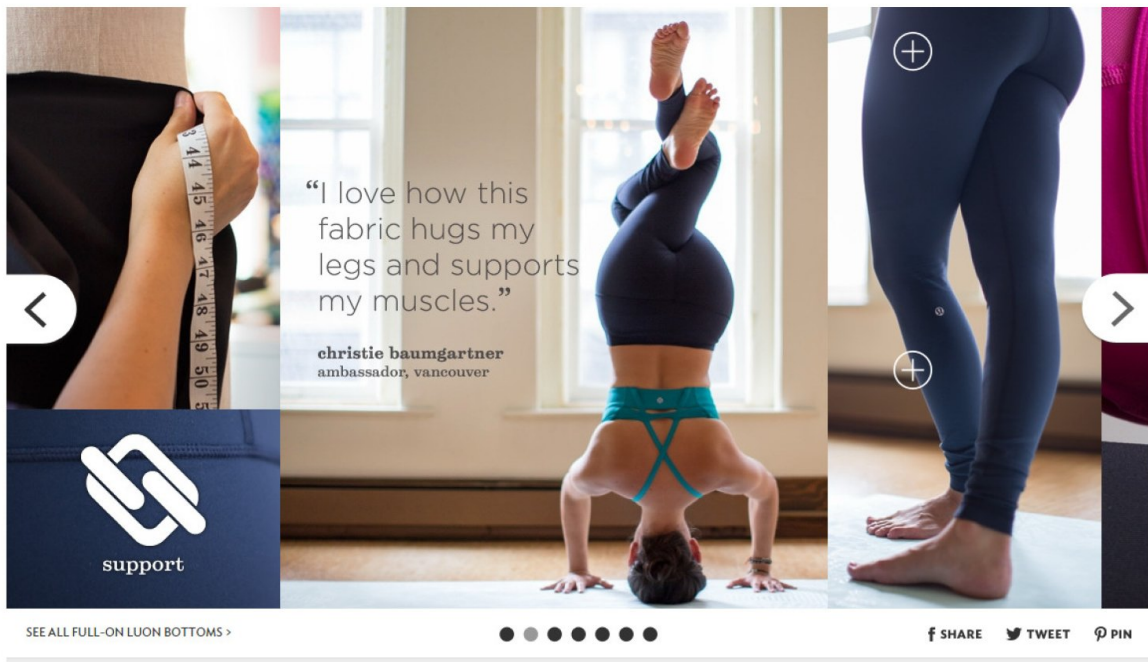
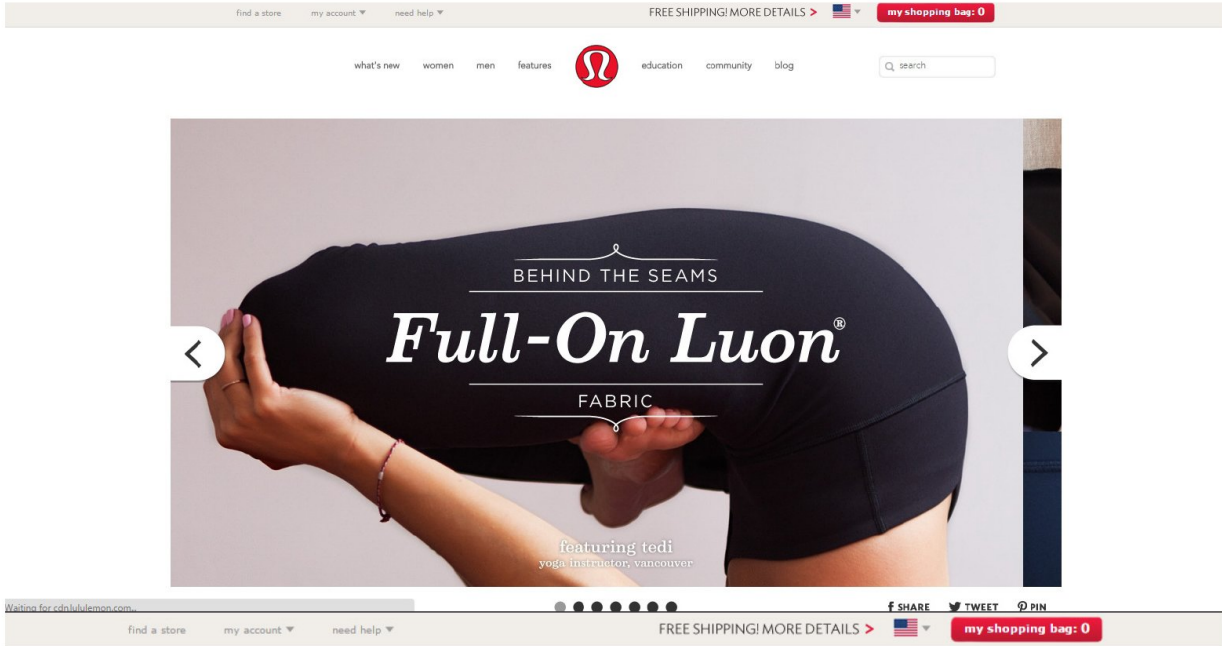
TEAS Stamp: USPTO/RFR-206.205.117.10-201505191951319

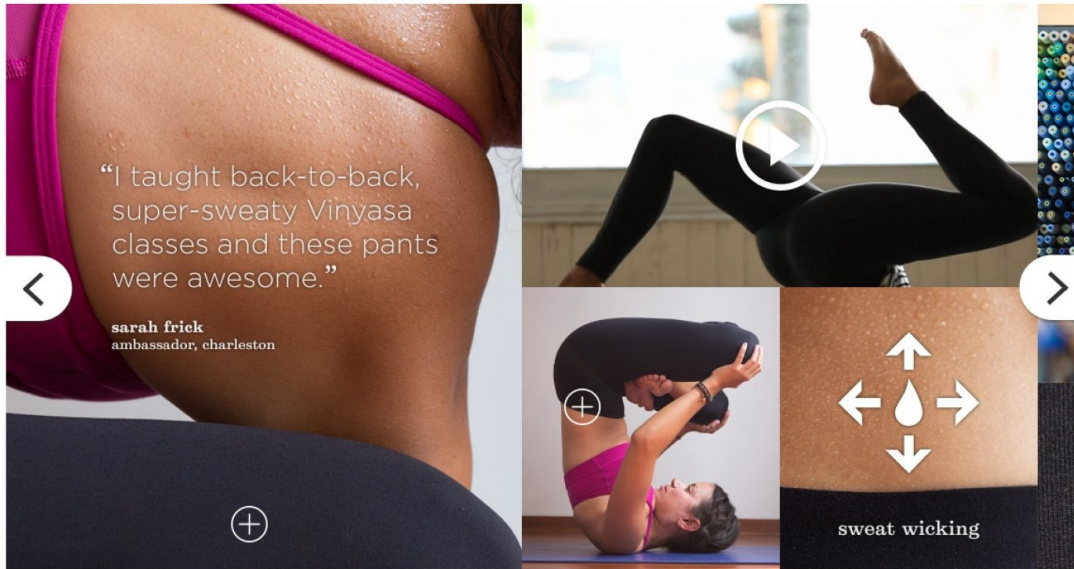
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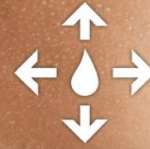
EXHIBIT A





"I taught back-to-back, super-sweaty Vinyasa classes and these pants were awesome."

sarah frick
ambassador, charleston



sweat wicking

SEE ALL FULL-ON LUON BOTTOMS >



f SHARE TWEET PIN



SEE ALL FULL-ON LUON BOTTOMS >

SEE ALL FULL-ON LUON BOTTOMS >



f SHARE TWEET PIN

EXHIBIT B

bareMinerals
Full-On™ Lip Polish



Select a Shade [View All](#)



\$19.00

100 Shimmering Full-On Lip Polish shades with names from A to Z available exclusively at Sephora.
 This shimmering, sheer lip polish instantly creates the look of fuller, more voluptuous lips with luminous shine. [See Details](#)

Select a shade:

Buxxy

Quantity:

1

NOTIFY ME

[Add to Wishlist](#) | [Find a Retailer](#)
 When this item is available.

[Click here to shop at Sephora.com](#)

[Like](#) | [Pin It](#) | [More](#) | [Print](#)

[Description](#) | [Benefits](#) | [Tips & Tricks](#) | [Ingredients](#)

Waitlist for bareMinerals.com has no more...

EXHIBIT C

Generated on: This page was generated by TSDR on 2015-05-19 17:15:24 EDT

Mark: FULL ON

FULL ON

US Serial Number: 85531686
US Registration Number: 4205425
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 11, 2012
Publication Date: Jun. 26, 2012

Application Filing Date: Feb. 02, 2012

Registration Date: Sep. 11, 2012

Mark Information

Mark Literal Elements: FULL ON

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Educational services, namely, conducting workshops and seminars in the field of business, motivation, self-help and personal empowerment and distribution of course material in connection therewith; Life coaching services in the field of motivation, self-help and personal empowerment; On-line journals, namely, blogs featuring information in the field of business, motivation, self-help and personal empowerment; Personal coaching services in the field of motivation, self-help and personal empowerment motivation, self-help and personal empowerment; Professional coaching services in the field of motivation, self-help and personal empowerment; Providing online newsletters in the field of business, motivation, self-help and personal empowerment via e-mail

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2008

Use in Commerce: Aug. 08, 2010

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Neff, Ana
Owner Address: 3 Hillcrest St.
Ashland, OREGON 97520
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent NEFF, ANA
Name/Address: 3 HILLCREST ST
ASHLAND, OREGON 97520-2811
UNITED STATES

Phone: 541-778-3462

Correspondent e-mail: ananeff@gmail.com info@zjilife.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 11, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 26, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2012	PUBLISHED FOR OPPOSITION	
Jun. 06, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 14, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 14, 2012	ASSIGNED TO EXAMINER	76838
Feb. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 11, 2012

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Mark: FULL ON

***FULL ON**

US Serial Number: 76422278
Application Filing Date: Jun. 17, 2002
US Registration Number: 2912001
Registration Date: Dec. 21, 2004
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Jan. 11, 2011
Publication Date: Sep. 28, 2004

Mark Information

Mark Literal Elements: FULL ON
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Sports drinks, energy drinks, soft drinks

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 15, 2000

Use in Commerce: Dec. 11, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GURU BEVERAGE CO.
Owner Address: 305 McGuinness Boulevard
Brooklyn, NEW YORK 11222
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joanna L. Silver
Attorney Primary Email Address: jsilver@cullenanddykman.com
Attorney Email Yes Authorized:

Correspondent

Correspondent Name/Address: Karen I. Levin
Cullen and Dykman LLP
100 Quentin Roosevelt Blvd.
Garden City, NEW YORK 11530

UNITED STATES

Correspondent e-mail: jsilver@cullenanddykman.com

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Name: Karen I. Levin

Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Jan. 11, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Dec. 28, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 28, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 21, 2010	TEAS SECTION 8 & 15 RECEIVED	
Nov. 04, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 04, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 07, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 21, 2004	EXPARTE APPEAL TERMINATED	422278
Dec. 21, 2004	REGISTERED-PRINCIPAL REGISTER	
Sep. 28, 2004	PUBLISHED FOR OPPOSITION	
Sep. 08, 2004	NOTICE OF PUBLICATION	
Jul. 30, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Jul. 30, 2004	ASSIGNED TO LIE	70629
Jul. 28, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 2004	CASE FILE IN TIGRS	
Jan. 07, 2004	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Jan. 07, 2004	EX PARTE APPEAL-INSTITUTED	422278
Dec. 16, 2003	EXPARTE APPEAL RECEIVED AT TTAB	
Jun. 05, 2003	FINAL REFUSAL MAILED	
Mar. 27, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 27, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 27, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 01, 2002	NON-FINAL ACTION MAILED	
Sep. 30, 2002	ASSIGNED TO EXAMINER	76927

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Jan. 11, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: G.I. Energy Drinks Corporation

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [3911/0330](#)

Pages: 3

Date Recorded: Dec. 30, 2008

Supporting Documents: [assignment-tm-3911-0330.pdf](#)

Assignor	
Name: G.I. ENERGY DRINKS CORPORATION	Execution Date: May 31, 2007
Legal Entity Type: CORPORATION	State or Country Where Organized: CANADA
Assignee	
Name: GURU BEVERAGE INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: CANADA
Address: 4200, BOULEVARD ST-LAURENT, BUREAU 1210 MONTREAL, QUEBEC H2W2R2, CANADA	
Correspondent	
Correspondent Name: MARK B. HARRISON	
Correspondent Address: 575 7TH STREET, N.W. WASHINGTON, DC 20004-1601	
Domestic Representative	
Domestic Representative Name: MARK B. HARRISON	
Domestic Representative Address: 575 7TH STREET N.W. WASHINGTON, DC 20004-1601	

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3911/0264](#) Pages: 4
Date Recorded: Dec. 30, 2008
Supporting Documents: [assignment-tm-3911-0264.pdf](#)

Assignor	
Name: GURU BEVERAGE INC.	Execution Date: Dec. 17, 2008
Legal Entity Type: CORPORATION	State or Country Where Organized: CANADA
DBA, AKA, TA, Formerly: FORMERLY G.I. ENERGY DRINKS CORPORATION	
Assignee	
Name: GURU BEVERAGE CO.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 37 WALL STREET SUITE 21M NEW YORK, NEW YORK 10005	
Correspondent	
Correspondent Name: MARK B. HARRISON	
Correspondent Address: 575 7TH STREET, N.W. WASHINGTON, DC 20004-1601	
Domestic Representative - Not Found	

Proceedings

Summary			
Number of Proceedings: 1			
Type of Proceeding: Exparte Appeal			
Proceeding Number: 76422278		Filing Date: Dec 04, 2003	
Status: Terminated		Status Date: Dec 21, 2004	
Interlocutory Attorney:			
Plaintiff(s)			
Name: G.I. Energy Drinks Corporation			
Correspondent Address: Joanna L. Silver Cullen and Dykman Bleakley Platt LLP 177 Montague Street BROOKLYN NY , 11201 UNITED STATES			
Associated marks			
Mark	Application Status	Serial	Registration

		Number	Number
FULL ON	Section 8 and 15 - Accepted and Acknowledged	76422278	2912001

Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Dec 04, 2003	
2	REMANDED TO EXAMINER	Jan 07, 2004	
3	PENDING, INSTITUTED	Jan 07, 2004	
4	TERMINATED	Dec 21, 2004	

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Mark: FOJ FULL ON JACKLEG

FOJ Full on Jackleg

US Serial Number: 77390444 Application Filing Date: Feb. 06, 2008
US Registration Number: 3474285 Registration Date: Jul. 22, 2008
Register: Supplemental
Mark Type: Trademark
Status: A Section 8 declaration has been accepted.
Status Date: Jul. 30, 2014

Mark Information

Mark Literal Elements: FOJ FULL ON JACKLEG
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Long sleeve t-shirts, short sleeve t-shirts, caps, sweatshirts, pants, and shorts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 2007

Use in Commerce: May 01, 2007

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: House of Jackleg, LLC.
Owner Address: 2009 Galdeville Ct.
Mt. Juliet, TENNESSEE 37127
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: TENNESSEE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Norman Gillis
Attorney Primary Email Address: Normangillisandassociates@gmail.com Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Norman Gillis
NORMAN GILLIS & ASSOCIATES, INC.
1208 16TH AVENUE SOUTH
LL1
NASHVILLE, TENNESSEE 37212

UNITED STATES

Phone: 615-320-1332

Fax: 615-320-8651

Correspondent e-mail: office@musicrowlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 30, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jul. 30, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED	76874
Jul. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Jul. 18, 2014	TEAS SECTION 8 RECEIVED	
Oct. 10, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 22, 2008	REGISTERED-SUPPLEMENTAL REGISTER	
Jun. 17, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Jun. 16, 2008	ASSIGNED TO LIE	76243
Jun. 16, 2008	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jun. 12, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 12, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 12, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 19, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 19, 2008	NON-FINAL ACTION E-MAILED	6325
May 19, 2008	NON-FINAL ACTION WRITTEN	78185
May 16, 2008	ASSIGNED TO EXAMINER	78185
Feb. 12, 2008	NOTICE OF PSEUDO MARK MAILED	
Feb. 11, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 107

Date in Location: Jul. 30, 2014

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Mark: LIFE ON FULL

LIFE ON FULL

US Serial Number: 85320315 Application Filing Date: May 13, 2011
US Registration Number: 4376944 Registration Date: Jul. 30, 2013
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 30, 2013
Publication Date: Sep. 13, 2011 Notice of Allowance Date: Nov. 08, 2011

Mark Information

Mark Literal Elements: LIFE ON FULL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Promoting the sale of goods and services of others in the automotive industry by dissemination of promotional materials and product information through an online global computer network, through the distribution of printed material, audio and video recordings, television and radio advertising, online advertising, Internet web sites, and promotional contests

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 18, 2011

Use in Commerce: May 18, 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Ford Motor Company
Owner Address: One American Road
Dearborn, MICHIGAN 48126
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Elizabeth F. Janda

Docket Number: FMCTA24977TU

Correspondent

Correspondent Name/Address: ELIZABETH F. JANDA
BROOKS KUSHMAN P. C.
1000 TOWN CTR FL 22
SOUTHFIELD, MICHIGAN 48075-1183

UNITED STATES
Phone: 248-358-4400

Fax: 248-358-3351

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 30, 2013	REGISTERED-PRINCIPAL REGISTER	
Jun. 22, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Jun. 21, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Jun. 19, 2013	ASSIGNED TO LIE	67287
Jun. 05, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 11, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
May 10, 2013	STATEMENT OF USE PROCESSING COMPLETE	66154
May 08, 2013	USE AMENDMENT FILED	66154
May 10, 2013	EXTENSION 3 GRANTED	66154
May 08, 2013	EXTENSION 3 FILED	66154
May 08, 2013	TEAS EXTENSION RECEIVED	
May 08, 2013	TEAS STATEMENT OF USE RECEIVED	
Nov. 08, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Nov. 07, 2012	EXTENSION 2 GRANTED	66154
Nov. 06, 2012	EXTENSION 2 FILED	66154
Nov. 07, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Nov. 06, 2012	TEAS EXTENSION RECEIVED	
May 10, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
May 08, 2012	EXTENSION 1 GRANTED	98765
May 08, 2012	EXTENSION 1 FILED	98765
May 08, 2012	TEAS EXTENSION RECEIVED	
Nov. 08, 2011	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 13, 2011	PUBLISHED FOR OPPOSITION	
Aug. 24, 2011	NOTICE OF PUBLICATION	
Aug. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 08, 2011	ASSIGNED TO EXAMINER	73370
May 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 17, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 21, 2013

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Mark: DR. BO'S FULL BODY FULL ON

DR. BO'S FULL BODY FULL ON

US Serial Number: 77917485 Application Filing Date: Jan. 22, 2010
US Registration Number: 3856069 Registration Date: Oct. 05, 2010
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 05, 2010
Publication Date: Jul. 20, 2010

Mark Information

Mark Literal Elements: DR. BO'S FULL BODY FULL ON
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Dr. Bowen Wagner, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 3120492, 3126376

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Weight reduction diet planning and supervision; providing information about dietary supplements and nutrition; nutrition counseling in the fields of food combining and choices; counseling services in the field of lifestyle wellness planning; providing cold laser therapy for aiding weight loss; providing colon hydrotherapy for medical purposes; medical testing for blood type; alternative medical services, namely, detoxification and colon cleansing services; alternative medical services, namely, digital pulsewave analyzing for medical diagnostic or treatment purposes; consulting services in the field of physical health and wellness

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 04, 2001

Use in Commerce: Jan. 04, 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Universal Life Force, Inc.
Owner Address: 14101 Valleyheart Dr.
Suite 100, Attn.: Legal Dept.
Sherman Oaks, CALIFORNIA 91423
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Jonas M. Grant	Docket Number: ULF
Attorney Primary Email Address: jonas@incorporatecalifornia.com	Attorney Email Authorized: No
Correspondent	
Correspondent Name/Address: JONAS M. GRANT, ESQ. LAW OFFICE OF JONAS M. GRANT, A.P.C. 20700 VENTURA BLVD. SUITE 328 WOODLAND HILLS, CALIFORNIA 91364 UNITED STATES	
Phone: 818-786-4876	
Correspondent e-mail: jonas@incorporatecalifornia.com	Correspondent e-mail Authorized: No
Domestic Representative - Not Found	

Prosecution History

Date	Description	Proceeding Number
Oct. 11, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 11, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 08, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 08, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 05, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 20, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 20, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 20, 2010	PUBLISHED FOR OPPOSITION	
Jun. 14, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jun. 14, 2010	ASSIGNED TO LIE	76568
Jun. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 21, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
May 21, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
May 21, 2010	ASSIGNED TO LIE	66121
Apr. 29, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 27, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 27, 2010	NON-FINAL ACTION E-MAILED	6325
Apr. 27, 2010	NON-FINAL ACTION WRITTEN	76795
Apr. 21, 2010	ASSIGNED TO EXAMINER	76795
Jan. 28, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Oct. 05, 2010